

Robert D. Brooks, #216605,  
Plaintiff,  
vs.  
Padulah, Warden of Lee C.I., et al.,  
Defendants.

This matter is before the court on Plaintiff's motion for temporary restraining order, which motion was filed October 5, 2009 (Entry 94). Defendants filed a response in opposition to Plaintiff's motion on October 23, 2009, to which Plaintiff filed a reply on October 30, 2009. In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge William M. Catoe for pretrial handling. On November 12, 2009, the Magistrate Judge issued a Report of Magistrate Judge in which he determined that Plaintiff had failed to make the required showing for issuance of a temporary restraining order. Plaintiff filed no objections to the Report of Magistrate Judge.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this court. Mathews v. Weber, 423 U.S. 261, 270 (1976). The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or may recommit the matter to the

Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of objections to the Report, this court is not required to give any explanation for adopting the recommendation. Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

The court has carefully reviewed the record and concurs in the recommendation of the Magistrate Judge. The court adopts the Report of Magistrate Judge and incorporates it herein by reference. Accordingly, Plaintiff's motion for temporary restraining order (Entry 94) is **denied**. The case is recommitted to the Magistrate Judge for further pretrial handling.

**IT IS SO ORDERED.**

/s/ Margaret B. Seymour  
United States District Judge

Columbia, South Carolina

December 10, 2009.